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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,490	11/10/2000	Kyou-Yoon Sheem	41037/DBP/Y35	5330

23363 7590 03/12/2003

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EXAMINER
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WEINER, LAURA S

ART UNIT	PAPER NUMBER
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1745

DATE MAILED: 03/12/2003

/6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/710,490

Applicant(s)

SHEEM ET AL.

Examiner

Laura S Weiner

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1745

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 03 February 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 2,4,6,8,10 and 12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2,4,6,8,10 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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## **DETAILED ACTION**

### ***Request For Continued Examination***

1. The request filed on 2-3-03 for a Request for Continued Examination (RCE) based on parent Application No. 09/710,490 is acceptable and a RCE has been established. An action on the RCE follows.

### ***Response to Amendment***

2. Examiner acknowledges the cancellation of claim 13 cited in Amendment C filed 2-3-03. Examiner acknowledges the cancellation of claims 3, 5, 9 and 11 and the addition of claim 13 cited in Amendment B filed 8-14-02. Examiner acknowledges the cancellation of claims 1 and 7 cited in Amendment A dated 4-22-02. Claims 2, 4, 6, 8, 10 and 12 have been examined on their merits.

### ***Response to Arguments***

3. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection. The amendment to the claims filed 2-3-03 has deleted the sulfide species. Therefore, the rejection of claim 6 under 35 U.S.C. 102(b) as being anticipated by Nordblom et al. (3,639,176) or Kalaighan et al. "Electrochemical behaviour of addition agents impregnated in cadmium hydroxide electrodes for alkaline batteries" has been withdrawn. The

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rejection of claims 2, 6, 8 and 12 under 35 U.S.C. 102(a) as being anticipated by Watanabe et al. (JP 2000-243445, abstract) has also been withdrawn.

***Claim Rejections - 35 USC § 112***

4. Claims 2, 4, 6, 8, 10, 12 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. In claims 6 and 12, there is no support in the specification for “and fluoride compounds” in the phrase “the compound being selected from the group consisting of nitrite compounds, chloride compounds and fluoride compounds”. The specification on page 5, states that “Exemplary thereof are oxides, nitrides, sulfides, hydroxides or chlorides”.

***Claim Rejections - 35 USC § 102***

5. Claims 2 and 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Takami et al. (6,468,693).

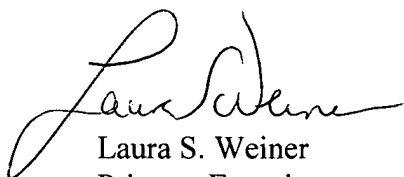
Takami et al. teaches in column 9, lines 33-48, that carbon material capable of absorbing-desorbing lithium ions can be used as the negative electrode active material. In addition, it is possible to use materials containing a metal nitride such as lithium cobalt nitride, lithium iron nitride and lithium manganese nitride. Takami et al. teaches in column 19, lines 1-15, that the

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negative electrode comprised carbon fiber powder, polyvinylidene fluoride and a solution of NMP to prepare a slurry.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura Weiner whose telephone number is (703) 308-4396. The examiner works a flexible schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan, can be reached at (703) 308-2383. The fax phone number for non-after finals is 703-872-9310 and the fax phone number for after-finals is 703-872-9311.

A handwritten signature in cursive script, appearing to read "Laura S. Weiner".

Laura S. Weiner  
Primary Examiner  
Art Unit 1745  
March 10, 2003